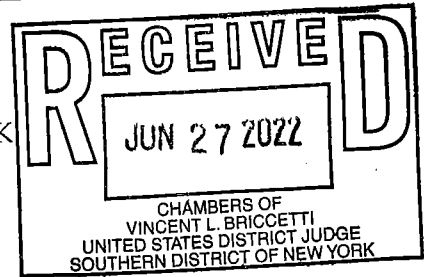


USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 7/1/22

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



Edwin Maldonado

Write the full name of each plaintiff.

No. \_\_\_\_\_  
(To be filled out by Clerk's Office)

**THIRD AMENDED  
COMPLAINT**

(Prisoner)

-against-

Clifford Gunsett, 21-civ.3719 (VB)

Do you want a jury trial?  
☒ Yes ☐ No

Write the full name of each defendant. If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section IV.

*Do not file  
See attached  
WB, uet  
7/1/2022*

**NOTICE**

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

**I. LEGAL BASIS FOR CLAIM**

State below the federal legal basis for your claim, if known. This form is designed primarily for prisoners challenging the constitutionality of their conditions of confinement; those claims are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

☒ Violation of my federal constitutional rights

☐ Other:

8<sup>th</sup> Amendment, Deliberate Indifference, 4<sup>th</sup> Amendment, Negligence

**II. PLAINTIFF INFORMATION**

Each plaintiff must provide the following information. Attach additional pages if necessary.

Edwin

First Name

Middle Initial

Maldonado

Last Name

State any other names (or different forms of your name) you have ever used, including any name you have used in previously filing a lawsuit.

Prisoner ID # (if you have previously been in another agency's custody, please specify each agency and the ID number (such as your DIN or NYSID) under which you were held)

Mid-State Corr. Fac.

Current Place of Detention

P.O. Box 2500

Institutional Address

Marcy

County, City

N.Y.

State

13403

Zip Code

**III. PRISONER STATUS**

Indicate below whether you are a prisoner or other confined person:

☐ Pretrial detainee

☐ Civilly committed detainee

☐ Immigration detainee

☒ Convicted and sentenced prisoner

☐ Other:

## IV. DEFENDANT INFORMATION

To the best of your ability, provide the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are identical to those listed in the caption. Attach additional pages as necessary.

Defendant 1:

Gerard Guiney  
 First Name Last Name Shield #  
Dep of Security (2005) Green-Haven Cor. Fac.  
 Current Job Title (or other identifying information)  
1220 Washington Ave  
 Current Work Address  
Albany N.Y. 12  
 County, City State Zip Code

Defendant 2:

John Serrell  
 First Name Last Name Shield # 2005 H-Block Officer  
Coxsackie Cor. Fac. Correctional Officer  
 Current Job Title (or other identifying information)  
11260 Route 9W, P.O. Box 999  
 Current Work Address  
Coxsackie N.Y. 12051-0200  
 County, City State Zip Code

Defendant 3:

Dennis McGill  
 First Name Last Name Shield # 2005 H-Block Officer  
90 Office of Legal Counsel N.Y.S. Dept of Corr.  
 Current Job Title (or other identifying information)  
1220 Washington Ave  
 Current Work Address  
Albany N.Y. 12226  
 County, City State Zip Code

Defendant 4:

Kevin O'Connor  
 First Name Last Name Shield # 2005 H-Block Officer  
90 Office of Legal Counsel N.Y.S. Dept of Corr.  
 Current Job Title (or other identifying information)  
1220 Washington Ave  
 Current Work Address  
Albany N.Y. 12226  
 County, City State Zip Code

See Attached

5th  
shower  
officer

2005

Defendant 5.

RichardSMITH

First name

Last name

MID-STATE Corr. Fac. Correctional officer9005 Old River Rd. P.O. Box 2500Marcy, N.Y. 13403

Defendant 6.

CliffordGunsett2005 5th shower  
officerGreen Haven Corr. Fac. Correctional officer594 NY-216, Stormville, N.Y. 12582

Defendant 7.

DouglasHildebrandt5th Correctional  
2005 officerClinton Corr. Fac. Correctional officer1156 Cook St.Dannemora, N.Y. 12929

Defendant 8.

JASONGwinn5th Correctional  
2005 officerAuburn Corr. Fac. Sergeant.135 State St.Auburn, N.Y. 13024

Defendant 9.

MatthewMiller2005  
Correctional officer G Block  
Retired officerc/o Office of Legal Counsel, NYS Dept. of Corr.1220 Washington AveAlbany, N.Y. 12226

Defendant 10.

AnthonyC. RussoDep. of Security 2018  
now retiredc/o DOCS 1220 Washington AveAlbany, N.Y. 12226ATTN: MARK Richter, Esq.

Defendant 11. Ralph Rohl Retired Sergeant  
C/O Office of Legal Counsel, NYS Dept of Corr.  
1220 Washington Ave  
Albany, N.Y 12226 ATT'n Mark Richter, Esq.

Defendant 12. Evelyn Diaz Correctional officer  
(J-Block officer)  
Green Haven Corr. Fac  
594 Route 216, Stormville, N.Y  
12582

Defendant 13. Floyd Norton (2018) Lieutenant now captain  
Green Haven Corr. Fac.  
594 Route 216, Stormville, N.Y.  
12582

Defendant 14. Amanda Saunders 2018  
DOCCS Disciplinary officer  
C/O 1220 Washington Ave  
Albany N.Y.

Defendant 15. 12226 ATT'n Mark Richter  
Keith Chase A-Block Escort officer  
(2018) now sergeant  
Green Haven Corr. Fac. 594 Route 216  
Stormville, N.Y.  
12582

Defendant 16. Anthony Wells G-Block Escort officer  
in 2018  
Green Haven Corr. Fac.  
594 Route 216 Stormville N.Y.  
12582

Dep of Mental Health  
(2018)  
now superintendent  
2022 Marcy Corr. Fac

Defendant 17. Danielle Medbury  
Marcy Corr. Fac.  
9000 Old River Rd.  
Marcy, N.Y.  
13403

Defendant 18. John Mulligan 2005 correctional  
officer  
2018 sergeant  
Green Haven Corr. Fac.  
594 Route 216  
Stormville, N.Y.  
13403

## V. STATEMENT OF CLAIM

Place(s) of occurrence:

Green Haven Corr. Fac.

2005 Month of Jan.  
G-Block  
2005 H-Block  
2005 SHU-shower  
2005 way to visit  
Month of May2018  
C/D YARD  
Disciplinary Office  
J-Block ICP Area  
Tri-I, CP Area2018  
A-Block  
Escort  
Hallway  
OBS  
Escort  
to  
G-Block

Date(s) of occurrence:

2018  
Month of May / June 17<sup>th</sup>, June 18<sup>th</sup> / Month of Aug 2018Feb. 1, 2005  
April 12, 2005  
April 19, 2005Mother's Day  
2005  
MAY 7, 2005

## FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and how each defendant was personally involved in the alleged wrongful actions. Attach additional pages as necessary.

On Jan. 2005, Officer Matthew Miller, <sup>other</sup> made officer search me, while behind a gate, stated to Plaintiff, He reminds him of the person who assaulted him, falsified Misbehavior report Against Plaintiff, and threaten to send him to H Block to be assaulted. Plaintiff was moved to H Block End of Jan. 2005.

On Feb. 1, 2005 John Serrell, <sup>officer</sup> Dennis McGill and <sup>officer</sup> Kevin O'Connor, Assailed Plaintiff in H Block on way to Keppel Recreation. Then on way to SHU, multiple officers, including officer Mulligen, Assailed Plaintiff, broke ribs, verbal Racist Harassment, calling Plaintiff, A nigger. A Spec this is for officer Miller ya piece of shit nigger-spec. On April 12, 2005 in SHU shower, officer Clifford Gunsett and officer Richard Smith II, physically and sexually assaulted Plaintiff, Repeatedly beating Plaintiff, then Held him down while officer Gunsett stuck an object inside of Plaintiff Anus, April 13, 2005, food tray of Plaintiff had insects inside water in cell cut off, April 19, 2005, Plaintiff placed on Deprivation of Shower, water Recreation Month of May Mother's Day, on way to visit officers waited for Plaintiff on 1<sup>st</sup> FL. Distracting escort Sergeant and Bart, Plaintiff, took him to O.B.S for observation, told family he was having mental problems 2018, upon Returning to Green Haven Corr. Fac. Plaintiff Notified Dep of Security Anthony C. Russo, and stated, Plaintiff feared retaliation from officers who assaulted him 2005. Plaintiff also told Mental Health Danielle Medbury During Month of May 2018 Plaintiff was packed up on the Draft, Bart after 5-Days was Taken off, and sent to Reception area for his property, where officer Gunsett is a steady Plaintiff, was again threaten by officers at Reception. Back to J-Block, Sergeant Ralph Rohl came to Plaintiff cell, and told Plaintiff to pull-down his pants, and draw, lift penis, make it erect, and he'll give him K-Z and Saboxin, Sergeant Ralph Rohl made C.O. Evelyn Diaz

(NOTE: Upon Returning Back To Green Haven Corr. Fac. 2018 Plaintiff, wrote dozens of letters to Dep of Security, and Mental Health, Danielle Medbury, Therapist, Con Bay, and Cushman. He fear for his safety, Because of Traumatic Assaultive behavior from C.O.'s At Green Haven, in 2005, still working (2008)

Page 4

Cont. Next  
PAGE  
See Attach



Send Plaintiff to I.C.P. area, with another inmate  
 C.O. Evelyn Diaz, threaten Plaintiff with misbehavior report  
 If he didn't comply to work with Sergeants Ralph Rohl, or pay for drugs given to him by Sgt.  
 In the month of May Evelyn Diaz escorted Plaintiff to I.C.P. Area. Diaz told Plaintiff to go up  
 While Sergeant Ralph Rohl waited with another inmate, took Plaintiff  
 in closet room and sexually assaulted Plaintiff, by sticking fingers  
 inside the anus of Plaintiff, Both Sergeant Ralph Rohl and Inmate, sexually assaulted Plaintiff  
 Plaintiff, had to fight his way out of area, back downstairs to Tri-I.C.P. C.O. Evelyn Diaz witness return  
 Then Month of May Plaintiff cell was burnt, Sergeant Ralph Rohl told Plaintiff  
 The reason is because Plaintiff didn't comply with sex advances then made  
 A inmate attack Plaintiff with a weapon, then he hide the weapon onto penis. Plaintiff informed  
 another Sergeant at hospital about the hidden weapon. Sergeant Ralph Rohl tried to protect  
 Inmate from officers finding weapon, But Plaintiff took Plaintiff was moved to A Block  
 NOTE: How did Plaintiff know the attacker had weapon tied to penis?  
 Because Sergeant Ralph Rohl and inmate sexually assaulted Plaintiff with  
 the same weapon found on inmate. Check records of misbehavior report.

## INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

Plaintiff sustain injuries to Ribs fractured, Face, Back, Neck swollen  
 2018 laceration, along with Back face neck injuries  
 Emotional, Mental Health that lead to Psychiatrist Medication  
 For years, Post Traumatic Stress Disorder, Emotional stress, attempted  
 suicide, Because of Traumatic Incident at Green Haven Corr. FAC.

## VI. RELIEF

State briefly what money damages or other relief you want the court to order.

\$ 1,000,000 1 Million Compensatory  
 \$ 1,000,000 1 Million Punitive  
 \$ 1,000,000 Emotional Stress



NOTE: When Plaintiff was transferred to J-Block his property was taken to Reception Area where C.O. Gunsett works and when Plaintiff received property, most of it was stolen, SEE Inmate Claim Records

In the month of June A-Block Escort Officer Keith Chase was assign to take Plaintiff to the hospital for his daily medication and in the Hall-way C.O. Chase placed Plaintiff on the wall for a PAT-Frisk and placed his hand inside Plaintiff pants and his finger in Plaintiff anus, stating Sergeant Rohl said you'll like this, or something to that nature. Then on June 17, 2018, while Plaintiff was at Keep-lock Recreation CPD Yard, Plaintiff was placed with a I.C. inmate from J-Block, this Mentally Ill inmate attacked Plaintiff Beating him in the face, neck and back. Responding officers pepper-sprayed Plaintiff. Plaintiff was then transferred to E-Block and his property was taken back to Reception Area, when Plaintiff received property that night more personal property was taken.

On June 18, 2018, Plaintiff was taken to disciplinary officer for a hearing with LT. Floyd Norton and Sergeant Ralph Rohl, where Plaintiff tried to explain what happen to him at J-Block in the hearing, But LT. Floyd Norton wouldn't accept the facts, and Sergeant Ralph Rohl was present at the hearing and influence LT. Floyd Norton to find Plaintiff guilty. Then, LT. Floyd Norton and Sergeant Ralph Rohl placed Plaintiff inside Den, with the same Mentally Ill inmate, who beat Plaintiff holding a yard a DA, prior and told the inmate to beat Plaintiff in the C.O. Amanda Saunders scream beat him up. He just tried to snitch, while they all scream steel cage match. Then inmate beat Plaintiff, shoulders, back and neck, until Amanda Saunders, peppered Plaintiff face in the eye-ball, then responding officers, took Plaintiff eye glasses, Plaintiff pocket and smash them by stepping on them, crushing them, then escorted Plaintiff to SHU.

In the Month of Aug. After Plaintiff came out of SHU, Plaintiff was in OBS Mental Health, He saw Danielle Medbury, and told her of sexual assault, and ask what happen to the Transfer she promise Plaintiff. Rep Medbury responded, saying she doesn't believe Plaintiff got sexual assault, and to stop snitching, while at Green Haven, and maybe the abuse will stop.

C.O. Anthony Wells while Plaintiff was being escorted to G-Block of a elevator, sexually assaulted Plaintiff in a closed area. Plaintiff put Plaintiff on the doors and placed an object inside Plaintiff anus, stating that's for Gunsett and Sergeant Rohl. Then threatening Plaintiff with Misbehavior Report if he told anyone, what happen. Plaintiff was then escorted to G-Block. In shock of everything happening, Depressed that the nightmare will never end. Finally In the beginning of 2019, Sergeant Ralph Rohl, saw Plaintiff coming from services, and had a officer, search Plaintiff, then cell, and took Plaintiff to SHU, for Alleging to have contraband and a weapon.

1. Dep of Security (2005)  
Gerard Guiney  
Violated 8th Amendment  
Deliberate Indifference  
Lack of Training Correctional officers
2. John Serrell - H-Block officers (2005)  
Violated 8th Amendment Rights  
To Be Free From Cruel and Unusual Punishment
3. Dennis McGill - H-Block officer (2005)  
Violated 8th Amendment Rights  
To Be Free From Cruel and Unusual Punishment
4. Kevin O'Connor - H-Block officer (2005)  
Violated 8th Amendment Rights  
To Be Free From Cruel and Unusual Punishment
5. Richard Smith - 5th-staffer officer (2005)  
Violated 8th Amendment Rights, Deliberate Indifference  
To Be Free From Cruel and Unusual Punishment
6. Clifford Gunsett - 5th-staffer officer (2005)  
Violated 8th Amendment Rights, Deliberate Indifference  
To Be Free From Cruel and Unusual Punishment
7. Douglas Hildebrand  
Violated 8th Amendment Rights, Deliberate Indifference  
Cruel and unusual Punishment
8. Jason Gwinn  
Violated 8th Amendment, cruel and unusual Punishment
9. Matthew Miller  
Violated 8th Amendment Rights  
By ordering other Gang Members 'white knights'  
to attack Plaintiff
10. Ralph Rohl  
Violated 8th Amendment and 4th Amendment  
Cruel and unusual Punishment  
Illegal Search, Sexual Assault  
Deliberate Indifference

11. Evelyn DIAZ - Block Officer (2018)  
 violated 8th Amendment Right  
 enabling officer Ralph Rohl  
 to sexually assault Plaintiff  
 violated 4th Amendment Rights.
12. Et. Floyd NORTON - LT. at Hearing office (2018)  
 8th Amendment Rights  
 enabling Sergeant Ralph Rohl  
 ordering another inmate to assault Inmate  
 Deliberate Indifference
13. Amanda Saunders - Hearing office C.C.  
 violated 8th Amendment Rights  
 Cruel and unusual Punishment  
 Deliberate Indifference
14. Keith Chase - A-Block (2018) Escort Officer  
 violated 4th Amendment Rights  
 Deliberate Indifference
15. Anthony Wells - G-Block (2018) Escort Officer  
 violated 4th Amendment Right, Deliberate Indifference
16. Danell Medbury - Dep. of Mental Health (2018)  
 violated 8th Amendment Rights, Deliberate Indifference
17. Anthony C. Russ - Dep. of Security (2018)  
 violated 8th Amendment Rights, Deliberate Indifference  
 and negligence, 4th Amendment, Lack of Training officers
18. John Mulligan - (2005) Correctional officer, Dealing with  
 8th Amendment, Deliberate Indifference (2018) Sergeant Mental Health  
 Inmates

Those officers are self proclaimed "white knights"; Miller, Mulligan  
 Gunsett, Norton, Chase, Wells, Serrall, McGill, Connor and Smith II  
 Admitted to being Gang Members of White Knights

Richard Smith II is presently working at Mid-State Corv. Fac.  
 where Plaintiff resides at Plaintiff fears retaliation, and being physically  
 and sexually assaulted again. Please transfer Plaintiff out of Mid State Corv. Fac.

Dated June 17, 2022

x Ed. MUM

**VII. PLAINTIFF'S CERTIFICATION AND WARNINGS**

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I understand that if I file three or more cases while I am a prisoner that are dismissed as frivolous, malicious, or for failure to state a claim, I may be denied *in forma pauperis* status in future cases.

I also understand that prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions, 42 U.S.C. § 1997e(a), and that my case may be dismissed if I have not exhausted administrative remedies as required.

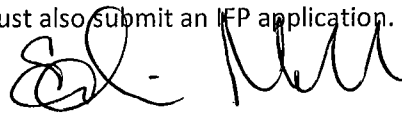
I agree to provide the Clerk's Office with any changes to my address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

June 17

Dated

Edwin



Plaintiff's Signature

Maldonado

First Name

MID-STATE

Middle Initial

COV. FAC.

Last Name

9005 Old River Rd. PO Box 2500

Prison Address

Marcy

N.Y.

13403

County, City

State

Zip Code

Date on which I am delivering this complaint to prison authorities for mailing: \_\_\_\_\_